

United States District Court for the ~~Eastern~~ ^{middle} District of Pennsylvania
Scranton Division

Civil Division

~~In the Court of Common Pleas of Luzerne County, Pennsylvania~~

Macarton N. Pierre, & for "Jane doe G-ma", &
Yolanda R. Browning, Plaintiff(s)

V.

Pennsylvania State Patrol officer (trooper)
~~Ian D. Martin~~ of the Hazleton

Division, Conflict Attorney John B. Pike
for (the) Common wealth of Pennsylvania,

Luzerne County; Sheriff ^{Brian M. Szemski} ~~of~~ of
the Luzerne County Sheriff's Department,
of & for the Common wealth of Pennsylvania,

Defendant(s),

in their Individual & official capacities.

Complaint

Civil Action No.

3:23cv1724

FILED
SCRANTON

OCT 17 2023

PER

DEPUTY CLERK

I. Jurisdiction & venue

1. This is a civil action authorized by 42 U.S.C § 1983 to redress the deprivation, under color of state law, of rights secured by the constitution of the United States. The Court has jurisdiction under 28 U.S.C § 1331 & 1343(a)(3). Plaintiff seeks declaratory relief Pursuant to 28 U.S.C § 2201 & 2202. Plaintiffs' claim for inductive relief are authorized by 28 U.S.C § 2283 & 2284 & rule 65 of the federal rules of Civil Procedure.

^{middle}

2. The ~~Eastern~~ ^{middle} District of Pennsylvania-Scranton Division, U.S. District court, ~~Court of Common Pleas of Luzerne County, Pennsylvania Civil Division~~ is an appropriate venue under 28 U.S.C § 1391(b)(2) because it is where the events giving rise to this claim occurred. This ~~case~~ action is authorized by Rule 23 of the federal rules of Civil Procedure & Title 28 of United States Code (U.S.C).

II. Plaintiff(s)

3. Plaintiffs Macarton N. Pierre & Yolanda R. Browning are both legal citizens of the United States & shared residency in Luzerne County Pennsylvania at all times mentioned herein this complaint. Macarton N. Pierre is currently a Prisoner of the State of Pennsylvania & is being currently housed at S.C.I.-Greene. Yolanda R. Browning exact whereabouts are unknown to Plaintiff Pierre but upon info. & belief she is currently a Luzerne County resident. "Jane Doe G-Ma" is a Luzerne County resident.

III. Defendant(s)

4. Defendant State patrol officer ^{Ian D. Martin} ~~John Doe~~ is a ^{Trooper} ~~Officer~~ of the Pennsylvania State Patrol Department, Hazleton Division, who at all times mentioned in this complaint held the Rank of State Patrol Officer.

5. Defendant Sheriff ^{Brian M. Szumski} ~~John Doe~~ is an employee of the Luzerne County Sheriff's Department, who at all times mentioned in this complaint held the title of Sheriff.

6. Defendant John B. Pike is a Conflict Attorney for the Luzerne County Public Defender's Office & the Court of Common Pleas of Luzerne County, Pennsylvania, who at all times mentioned in this complaint was appointed as a Criminal Conflict Counsel to Plaintiff Pierre in Case (Criminal) docket # 4018-21.

IV. Facts

7. On 10/26/21; Between October & December of the year 2021, Approximately between 3:00 a.m. to 6:00 a.m. located in Forty Fort, Pennsylvania Plaintiff Macarthon N. Pierre was parked on the side of a rural (back road) Highway, (a black man), because the car Plaintiff Pierre was operating, a Red B.M.W 325i, had Stalled. Pierre Pulled over & attempted to start the car & the engine failed to start. Pierre's cell phone was also Completely dead ^{inabling} ~~inabling~~ him to call for help, So Pierre Sat in the immobile car waiting for day-light to seek help with his caution (Emergency lights on & flashing, when he was struck (rear-ended) in a No fault Car Accident by a "Jane doe" in a Silver ~~car~~ Sedan causing Pierre to suffer a Concussion & passout, losing consciousness.

8. Moments later Plaintiff Pierre still in a daze, woke up, & looked in the rearview mirrors & noticed a Silver Sedan with Bomper, light, & hood collision damage & exited the car, Somehow thinking the driver of the Silver Sedan was his Spouse Yolanda R. Browning (Plaintiff); began walking towards the Silver Sedan & realized it was a Caucasian woman (not his spouse Yolanda), when he noticed a Pennsylvania State Trooper Parked behind the Silver Sedan & State Patrol officer ^{Martin} ~~T. Martin~~ yelled to Plaintiff Pierre: "Get back in the car!" Pierre got back in the Red B.M.W & momentarily loss conscious again.

9. Plaintiff Pierre was then awakened by S.P. ofc. ^{Martin} ~~John Doe~~ & S.P. ofc. ^{Martin} ~~John Doe~~ asked Pierre what was the Problem? Pierre replied Still Suffering From a Concussion: "My car won't start & I need help." S.P. ofc. ^{Martin} ~~John Doe~~ Stated: "Start your car..." Pierre attempted to start the car & again the engine failed to start. S.P. ofc. ^{Martin} ~~John Doe~~ then Stated: "OH, you just need a Tow!?" Pierre replied: "yes!" as he looked in the rear-view mirror & noticed the silver sedan was still parked behind him with S.P. ofc. ^{Martin's} ~~John Doe's~~ vehicle behind the Silver Sedan as he lost Consciousness again.

10. While in a daze Pierre heard S.P. ofc. ^{Martin} ~~John Doe~~ tell Jane doe of the Silver Sedan a Caucasian woman: "you may go ahead & leave I'm just going to say he had something..." Plaintiff Pierre realized in this defenseless state his life was in danger & to prevent from being another un-armed blackman killed at the hands of Police, Pierre stuck both of his hands & arms out of the driver-side window as he passed out/lost Conscious; again, from the Car accident, (of no fault of Plaintiff Pierres), when he was rear-ended by Jane doe; on the dash-cam of ~~the~~ patrolman defendant S.P. ofc. ^{Martin} ~~John Doe~~.

11. ^{Pierre} ~~Moments~~ later was then awoken to S.P. ofc. ^{Martin's} ~~John Doe's~~ Gun pointed in his face Screaming: "Get out the car!" as he began pulling Pierre out of the car. Pierre noticed the Jane doe in the silver sedan was gone, another state trooper arrived & ~~for~~ for the first time S.P. ofc. ^{Martin's} ~~John Doe's~~ cruiser lights & sirens were flashing as if it were a traffic stop.

12. S.P. Ofc. ^{Martin} ~~John Doe~~ instead of calling an ambulance for Pierre's injuries (lies) to be medically assessed he deliberately held a field Sobriety test asking Plaintiff to walk on a straight line who was in a car accident & suffering from a concussion & other collision injuries. Pierre could not walk in a straight line & ^{was} ~~then~~ then handcuffed & searched & no alcohol or drug or substances were found on Plaintiff or in the car he was operating. S.P. Ofc also groped Pierre's genitals twice (penis & testicles); as Pierre was in confusion because he had no drinks.

13. Plaintiff Pierre was then taken to the State Trooper's Office in Hazleton, Pennsylvania handcuffed to a bench & asked questions like, "What is your name? Do you know where you are? What state are you in?" Due to the collision head injury trauma Plaintiff Pierre was suffering he could not answer any of the questions correctly. Pierre was then given a breathalyzer test, the results showed Pierre's Blood Alcohol level/content of (0.00).

14. S.P. Ofc. ^{Martin} ~~John Doe~~ then took Plaintiff Pierre to the _____, hospital where he failed to advise medical personnel of the car accident Plaintiff Pierre was just in & instead only attempted to get a blood sample from Pierre, ~~therefore~~ who believed due to the head injury that S.P. Ofc. ^{Martin} ~~John Doe~~ was attempting to have Plaintiff Pierre lethally injected or injected with drugs to cover his deliberate indifference to Plaintiff Pierre's serious medical needs. Pierre was then taken to the Luzerne County Jail ^{where} ~~there~~ he was further subject to false imprisonment/involuntary servitude, & denial of adequate medical treatment due to S.P. Ofc deliberate, malicious negligence of reporting the car accident.

15. Plaintiff Pierre's car accident condition was also withheld from L.C.C.J Staff due to S.P. ofc. ~~John Doe~~^{Martin's} failure to get Pierre Adequate medical attention/care. Pierre still ~~did~~ not know his name, D.O.B, or where he was & was placed on a psych watch, for ~~for~~ 3 days when he suffered from Neck, back, & head pain/trauma from the un-reported car accident night & day, as well as Swelling, lacerations, bruises & body (full) Pain.

16. During these ~~for~~³ days Plaintiff Volanda R. Browning called the Luzerne County Jail, Local Hospitals, & Sheriff plus police seeing if her spouse Plaintiff Pierre was hurt, in jail, or possibly dead due to his unexplained disappearance. All of which ~~led~~ led to no-avail, because all agency (lies), including Luzerne County jail denied Plaintiff Pierre being in their custody in a wide-spread cover-up, causing Plaintiff Volanda R. Browning to become worried, depressed, anxious, restless, causing severe psychological harm. Finally Pierre was allowed to go to General Population where he contacted ~~his~~ his Spouse Volanda Browning & she posted bail for Pierre.

17. The next day Volanda's Mother Chung Browning recieved a call from Defendant Sheriff ~~John Doe~~^{Szumski} who stated: "Have your daughter call me, her boyfriend Pierre was in a no fault car accident!", upon information & belief; then Volanda called defendant Sheriff ~~John Doe~~^{Szumski} on Speaker Phone who stated aloud: "yes, Volanda!? this is Sheriff... & I'm calling to apologize to you & your family, your boyfriend Pierre was in a no-fault car accident & because of who the state trooper was, he did not report it..." Volanda began crying as Plaintiff Pierre began to Pie Pie together what really happened to him because until the Sheriff's call... Pierre was unaware he was in a car accident.

18. A few days later Plaintiff Macarton N. Pierre, Yolanda R. Browning, & ~~Carla~~ "Jane doe Gi-ma" went to the _____ Towyard / Impound where the Red B.m.w was impounded. We all were advised by an mechanic/employee of the towyard/~~impound~~ that the car's ~~car's~~ Battery was dead & he had to give the car an electric cable jump start. Also Plaintiff Macarton N. Pierre, Plaintiff Yolanda R. Browning, & "Jane doe Gi-ma" as well as the impound employee walk to the rear of the Red B.m.w that was still listed in "Jane Doe Gima's" name & Noticed collision damages including: Scratches, Dents, & traces of Silver car paint & Confirmed that Plaintiff Pierre was actually a victim in a no fault car accident by Jane doe of the Silver Sedan.

19. Subsequently Pierre was charged in Criminal Docket # 4018-²¹~~20~~, of the Luzerne County, Court of Common Pleas, falsly, of D.v.I., Driving on suspended license, & illegal Public Parking driveway/street & due to ineffective assistance of counsel by Defendant Attorney Pike, maliciously prosecuted & Coerced/force Pierre into a Guilty Plea agreement because Pierre had other criminal cases even though he was ~~absolutely~~ ^{actually} innocent in this instance. Defendant Pike refused to give ~~to~~ Plaintiff Pierre Discovery in 4018-21, refused to cross-examine witness, refused to allow Pierre to face the accusing (Defendant) S.p. Ofc. ~~John doe~~ ^{Martin}, refused to give Pierre any information on this case including the Arresting Trooper's name. When Pike spoke with Yolanda, She confirmed Pierre was in a no fault Car-Accident that S.p. Ofc. ~~John doe~~ ^{Martin} failed to report & denied (deliberately) Plaintiff Pierre due Process stating: "The Courts are not worried about this issue, you have bigger problems!" & "The judge does not care what you have to say..." & "Plea guilty to all charges & you'll go home!"

Pg. VII of XII.

20. On 10/21/2022 Plaintiff Pierre due to all unconstitutional acts was Sentenced in Case # 4018-21 to: 6 Months in a State Correctional Institution (Served full 6 months), one-year driver's licence Suspension, \$1000 fine, ~~a fine~~ Court cost & fees (repay), Complete Alcohol d.vid program, & pay for Ignition interlock classes & device ~~plus~~ plus installation, & was not allowed to go home on Probation or House arrest as Pike promised.

21. Although all Defendants knew of Pierre's complete & full innocence ~~by them~~ all deliberately failed to remedy the situation. Pierre on the morning he was placed in the L.C.I.T., took a urine sample that also came back negative for any substances ~~or~~ or Alcohol.

V. Legal Claims

22. When Defendant State patrol officer ~~John Doe~~ ^{Martin} discriminated against Plaintiff Pierre by neglecting to report the No-fault Car accident, Pierre, a Black man, was the victim of an Caucasian, White Woman, "Jane doe", of the Silver-Sedan, denying Plaintiff Pierre Medical care deliberately as he was aware of Pierre's serious medical needs & injuries from the accident & falsely charging Pierre of a Criminal acts to cover for Jane doe as he allowed her to leave the scene of an accident, was racial discrimination, & ~~subjected~~ subjected Pierre to false imprisonment/Involuntary servitude (6 months & ³ days); was also Gender discrimination; & subjected Plaintiff Pierre to unreasonable searches & seizures; Subjecting Pierre to Cruel & unusual punishments, & depriving Plaintiff Pierre of due process/Equal protection, Violating the Fourth, fifth, Eighth, Thirteenth, & fourteenth Amendments of the United States Constitution, Causing Plaintiff Pierre Pain, suffering, ^{Physical Injury} ~~Emotional distress~~, & Emotional distress, & Official oppression of the Pennsylvania Constitution.

23. Defendant Sheriff ^{Szumski} ~~John Doe~~ failed to protect Plaintiff Pierre from illegal prosecution as he was a Supervisor & aware of defendant S.P. Ofc. ^{Martin's} ~~John Doe's~~ misconduct & failed to have Sp. Ofc. ^{Martin} ~~John Doe~~ reprimanded, trained, disciplined, or discharged. Violated the Constitution of the United States by ~~Amendments~~ ^{the} Fifth, ~~Eight~~ Eighth, Thirteenth, & Fourteenth Amendments, causing Plaintiff Pierre pain, suffering, & emotional distress, & official oppression of the Pa. Const.

24. Defendant Conflict Counsel Attorney John B. Pike, failed to provide adequate competent, & intelligent counsel, by force & coercing Pierre to plead guilty to the charges defendant S.P. Ofc. ^{Martin} ~~John Doe~~ pressed against Pierre, thus aiding in a wide spread cover up of the defendant's misconduct, depriving Plaintiff Pierre of due process by failing to: subpoena witnesses, cross-examine prosecution & witness, served Plaintiff Pierre discovery in ~~the~~ any aspect of the case, investigate even after he spoke to Plaintiff Yolanda R. Browning & she confirmed in the case of 4018-21 it was actually a, No-fault of Plaintiff Pierre's, car accident; defendant Pike also preventing Pierre from seeking redress through the courts stating: "The courts are not worried about this ^{issue} ~~problem~~, you have bigger problems"; thus violating the First, Fifth, Sixth, Eighth, Thirteenth, & Fourteenth Amendments of the United States Constitution & caused Plaintiff Pierre pain, suffering, & emotional distress, & official oppression of the Pa. Constitution.

25. "Defendants" failed to correct each other's misconduct causing Plaintiff Yolanda R. Browning severe psychological harm of P.T.S.D, Severe Depression, & Anxiety. Constitution cruel & unusual punishment & official oppression violating the Pennsylvania Constitution & the Eighth Amendment of the United States Constitution causing Plaintiff Browning pain, suffering, & emotional distress.

26. "Defendants" failure to report the Car accident so that Plaintiff "Jane doe G-ma" could file an ~~issurance~~ insurance claim for damages to the Red B.M.W. as she was the legal owner at the time & Plaintiff Pierre as the victim, ~~was~~ deprived the Plaintiffs of Redress & due Process violating the First, Fifth, & Fourteenth Amendments of the ~~un~~ ~~con~~ United States Constitution, causing Pain, Suffering, & emotional distress, & official oppression, of the PA. Const.

VI. Injuries

27. Due to the acts of Defendants Plaintiff Pierre Suffered: A Concussion, Head, Neck, & back Pain that lasted for months, Psychological damage, loss of ~~emp~~ employment Wages & Salary, false imprisonment, Malicious Prosecution, Deprivation of Life, Liberty, & freedom, Incarceration for 6 months in S.C.I., deprivation of due process, Cruel & unusual Punishment, Plus racial/gender discrimination. Official oppression, Swelling, bruises, lacerations & full body pain, Severe depression, P.T.S.D, & Anxiety, Suicide attempt as well, Double & blurred vision, imbalanced equilibrium.

28. Due to the acts of defendants Plaintiff Volanda R. Browning suffered Psychological harm causing Severe depression, P.T.S.D, & anxiety, Emotional distress, from official oppression.

29. Due to the acts of defendants Plaintiff "Jane doe G-ma" suffered Psychological harm, caused Severe depression, P.T.S.D, & anxiety, Plus damages to her Car in the Collision, Emotional distress, from official oppression.

30. Plaintiffs Pierre, Browning, & G-Ma', has no plain, adequate, or complete remedy at law to redress the wrongs described herein. Plaintiffs Pierre, Browning, & G-MA', has been & will continue to be irreparably injured by the conduct of defendants unless this court grants the declaratory & injunctive relief which Plaintiffs seek.

VII. Relief

WHEREFORE, Plaintiff respectfully pray that this Court enter Judgment:

31. Granting Plaintiffs a declaration that the acts & omission described herein violate their rights under the united ^{States} ~~State~~ ~~Constitution~~ and

32. A ~~completem~~ Preliminary & permanent injunction ordering defendants to cease any acts or cover-ups that violate United States laws, &

33. Granting Plaintiff Pierre compensatory damages in the amount of \$500,000.00 against each defendant jointly & severally, &

34. Granting Plaintiff Pierre Punitive damages in the amount of \$500,000.00 against each defendant jointly & severally.

35. Granting Plaintiffs Browning & "Jane doe G-Ma" compensatory ~~each~~ damages, each, in the amount of \$200,000.00 against each defendant jointly & severally, & Plaintiff Pierre a "Prisoner Release Order," &

36. Granting Plaintiffs Browning & "Jane doe Gma" each, Punitive damages in the amount of \$200,000.00 against each defendant jointly & severally.

37. Plaintiffs also seek a jury trial on all issues triable by jury & recovery of their cost in this suit, & any additional relief this court deems just, proper, & equitable. Dated: 9/20/23

Respectfully Submitted, Macarton D. Pierre


#QP3160 S.C.I-Greene

169 Progress drive Waynesburg, PA 15370

Verification

I have read the foregoing Complaint & hereby verify that the Matters alleged therein are true, except as to matters alleged on information & belief, & as to those, I believe them to be true. I certify ~~that~~ under penalty of Perjury that the foregoing is true & correct.

Executed at S.C.I.-Greene 169 Progress drive Waynesburg, PA 15370
On September 20th, 2023.


Macarion N. Pierre

~~In the Court of Common Pleas of Luzerne County, Pennsylvania~~

~~Civil Division~~

Macarion N. Pierre, &/for "Jane doe 'G-MA",

Volanda R. Browning, Plaintiff(s)

V.

Ian D. Martin

P. State Patrol ofc. John doe of the Hazleton

Division, Conflict Attorney John B. Pike for Luzerne

County, Sheriff ^{Brian M. Szumski} John doe of the Luzerne County

Sheriff's department, of the Commonwealth of Pennsylvania, individually & in their official capacities,

Defendant(s)

Summons

Civil action No. _____

TO THE ABOVE-NAMED DEFENDANTS:

You are hereby summoned & required to serve upon plaintiffs, whose address is S.C.I-Greene 169 Progress dr. Waynesburg, PA 15370 an answer to the Complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive the day of service, or 60 days if the U.S. Government or officer agent thereof is a defendant. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.

Clerk of the Court

Date: _____

United States District Court for the
~~middle~~
~~Eastern~~ District of Pennsylvania Scranton Division

~~Court of Common Pleas of Luzerne County~~
~~Commonwealth of Pennsylvania~~
~~Civil Division~~

Macarton N. Pierre, et al.

Plaintiff(s)

V.

Pa. State Patrol Officer ~~John Doe~~ ^{Martin}, et al.,

Defendant(s)

Civil Action No. _____

Certificate of Service

I hereby certify that on September 20, 2023, a true & correct copy of the foregoing Complaint & Summons were served via U.S. Postal Service as follows: Through the Courts -

~~Clerk of Courts of Luzerne County Civil Division~~

~~200 N. River St~~

~~Wilkes-Barre, PA 18711~~

~~& cc~~

Luzerne County Sheriff's Department

& cc

Pennsylvania State Trooper's Office - Hazleton Division

& cc


~~John B. Pike~~

John B. Pike, esquire

400 Third Ave Suite 205

Kingston, PA 18704

Respectfully Submitted,

 Macarton N. Pierre
 #QP3160

Dated: September 20, 2023

S.C.I. - Greene 164 Progress dr Waynesburg, PA 15370

Smart Communications/PADOC

SCI-Greene

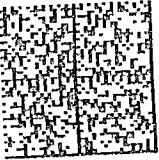
Name Macarthon N. Pierre

Number QP3160

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St Petersburg FL 33733

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Scranton PA 18501

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OCT 17 2023

PER  DEPUTY CLERK

